

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT

POWER VEGETATION MANAGEMENT PROJECT

USDA Forest Service
Black Hills National Forest
Northern Hills Ranger District
Lawrence County, South Dakota

INTRODUCTION

The Power Vegetation Management Project Environmental Assessment (“EA”) discloses the environmental effects of proposed activities associated with the harvest of timber and other activities in the Power project area. The EA is tiered to the Black Hills National Forest 1997 Revised Land and Resource Management Plan (“Revised Forest Plan”), associated Final Environmental Impact Statement (“FEIS”), and Phase I Amendment.

An interdisciplinary team (“IDT”) of resource specialists conducted the effects analysis and prepared the EA. In accordance with the National Forest Management Act and the National Environmental Policy Act, the IDT considered the affected area, formulated alternatives, and estimated environmental consequences based on Revised Forest Plan and Phase I Amendment goals, objectives, standards, and guidelines, and issues raised during scoping. I have reviewed the EA, Revised Forest Plan and Phase I Amendment direction relevant to the project area, and related material including the Power project file. I base my decision on that review.

The Power EA, Revised Forest Plan, FEIS, and Phase I Amendment are available for review at the Northern Hills Ranger District office of the Black Hills National Forest in Spearfish, South Dakota, and at the Forest Supervisor's office in Custer, South Dakota.

Location

The project area is located in Lawrence County, South Dakota, in the north-central Black Hills. The area considered for vegetation management covers approximately 12,292 acres of National Forest System land and 1,684 acres of private land, for a total of 13,976 acres. All proposed activities would occur on National Forest System land. Log hauling may occur across areas of private land on which the Forest Service has acquired right-of-way access.

Forest Plan Management Area Designation

The majority of the project area (11,060 acres) is in Revised Forest Plan management area 5.1 (resource production emphasis). This area is managed for wood products, water yield and forage production, while providing other commercial products, visual quality, diversity of wildlife and a variety of other goods and services.

The remainder of the area (1,232 acres) is in management area 4.1 (limited motorized use and forest product emphasis). This area includes the Eagle Cliff Cross County Ski Area and is managed for non-motorized recreation, production of timber and forage, scenic quality, and a diversity of wildlife.

PURPOSE AND NEED

The Power Vegetation Management Project would implement the Forest Plan, by producing timber, reducing susceptibility to insects and diseases, reducing hazardous fuels, maintaining or enhancing wildlife habitat, and sustaining future timber yield. These needs are tied to Forest Service laws, policies, and regulations, especially the Revised Forest Plan and Phase I Amendment objectives, standards, and guidelines.

DECISION

After careful consideration of applicable laws, regulations, and policies, Revised Forest Plan and Phase I Amendment direction, environmental effects, and other information contained in the EA, as well as public comments received on the draft and revised draft EA, I have decided to implement the Proposed Action, with limited modifications, as described in the EA. My rationale for this decision is described in detail below.

Planned Activities

The following projects will be implemented in the Power project area, subject to availability of funds. Figures are approximate. Detailed descriptions including maps are in Chapter Two of the EA. Treatment unit layout may vary slightly from the boundaries shown on the maps depending on ground conditions. Any differences between the EA and final layout will be documented in the project file.

Vegetation management treatments include commercial thinning, pre-commercial thinning, regeneration harvest, overstory removal, hardwood treatments, meadow enhancement and fuels treatment. These activities will take place on 4,010 acres.

- Commercial thinning from below will take place in 2,407 acres of sawtimber stands. Primary goals include improving the growth of the remaining trees in order to increase the number of large-diameter trees, reducing risk of loss to mountain pine beetles while maintaining the stands value as wildlife habitat, and producing wood products. Crown cover in the stands to be thinned will not be reduced below 40%. The EA included 2,420 acres of commercial thinning; 13 acres have been eliminated to avoid a heritage resource site. This will have negligible effects on the analysis findings.
- Pre-commercial thinning of pole-size trees will take place on 133 acres. Thinning of sawtimber described above may also include pole thinning.
- Regeneration harvest (shelterwood) will take place on 107 acres to regenerate ponderosa pine stands.
- Overstory removal will take place within approximately 793 acres. The silvicultural objective is to improve growth of established seedlings, saplings, and poles. Existing large trees (formerly seed trees) will be removed to allow the new stand to make full use of the light, nutrients, and water available on site.
- Hardwood treatments will take place on 190 acres. Conifers growing into stands of aspen and birch would be removed. On 127 acres, the conifers removed would be small and non-commercial. Commercial-size conifers would be removed on 63 acres. Hardwoods would also be thinned to a spacing of one to two hardwood leave trees greater than 6" in diameter every 100 feet.
- Meadow enhancement is planned on 380 acres. Trees will be cut from meadows that are becoming overgrown. This treatment will increase forage and maintain natural openings. The EA included 424 acres of meadow enhancement; approximately 44 acres have been eliminated from treatment to avoid a heritage resource site. This will have negligible effects on the analysis findings.

Commercial harvesting will occur on approximately 3,370 acres, resulting in the preparation and sale of approximately 6.0 million board feet of sawtimber and 291,000 cubic feet of roundwood.

Follow-up fuels treatments are part of the vegetation management treatment prescription. Fuel treatments 1) disposal of larger size material as a product (sawlog, post/pole), 2) pulling back fuels from residual trees prior to burning, 3) piling of heavier fuels either by equipment or hand, 4) lopping and scattering slash, and 5) underburning existing fuels and activity-created slash in cutting units and log landings. More than one fuel treatment may occur on each unit. Prescribed burning will take place on about 3,141 acres.

The project also includes some road work associated with the vegetation management. Approximately 7 miles of reconstruction and 46.5 miles of pre-use maintenance will be required to correct current problems, meet Best Management Practices and allow for efficient project access.

Road density will be reduced through year-round closure of 11 miles of National Forest System roads and 20 miles of non-system roads. I have decided to close all roads identified on Map 3 of the Power Vegetation Management EA, with the exception of road NS23. That road will not be closed, as it is an identified access route in the Bigmac timber sale. This will have negligible effects on the analysis findings.

Mitigation and Monitoring

The following mitigation and monitoring measures will apply to my decision to prevent adverse effects or to maintain acceptable limits of change during implementation of project activities: Revised Forest Plan and Phase I Amendment standards and guidelines (Chapters II and III); State of South Dakota Best Management Practices (BMPs) for the Control of Nonpoint Pollution from Silvicultural and Related Road Activities; mandatory BMPs contained in Federal regulations at 33 CFR 323; requirements in the Watershed Conservation Practices Handbook (Forest Service Handbook 2509.25); guidelines to prevent the spread of noxious weeds as identified in the 2003 Black Hills National Forest Weed Management Plan; and site-specific mitigation measures listed in Chapter Two of the Power EA. Project activities will be monitored according to the plan presented in Chapter Two.

Decision Process

Public Involvement

During the scoping process for this project, the IDT identified members of the public who may have had an interest in the decisions made for the project area or whom the proposed projects could have affected. The individuals, groups, agencies and organizations contacted during initial scoping are listed in the EA. Scoping outreach and responses are contained in the project file.

Issues identified for the project area include access and travel management; timber and economics; and Threatened, Endangered, Sensitive and Management Indicator Species. These issues were addressed through development of alternatives and/or mitigation, or through the disclosure of environmental effects. Additional public concerns expressed during scoping included the risk of prescribed burns escaping control and concern about the lack of late-successional and old-growth habitat. Several alternatives suggested during scoping were considered but not developed for detailed study.

Additional public comment occurred when the district released the draft EA in December, 2002, for a 30-day comment period in accordance with Federal regulations at 36 CFR 215. To correct some inadvertent errors and discrepancies in the draft EA, a revised draft EA was released in April 2003. Another 30-day comment period was established and additional comments were received. Comments (and agency responses) from both comment periods are included in Appendix A. I concur with the responses in Appendix A. The analysis addresses all issues to my satisfaction.

Alternatives Considered in Detail

Three alternatives were evaluated in detail in the EA, including the no action alternative. Complete descriptions of the alternatives considered in detail, including management activities and how each alternative addresses issues, are contained in the EA in Chapter Two. I believe the alternatives adequately address the issues raised during the analysis. The range of alternatives (including those dismissed from detailed study) is adequate.

The No Action alternative would not implement any vegetation management or roads management projects in the Power project area.

The Proposed Action would implement vegetation management and roads projects as described above.

Alternative A would have implemented the Proposed Action with specific modifications. First, no system roads would be closed. In an attempt to improve deer and elk habitat without closing system roads, patch cuts were included to optimize habitat effectiveness. Alternative A would have included more vegetation management treatments and produced about 6.9 million board feet of timber.

Reasons for My Decision

In making my decision, I considered public comments, how well the alternatives addressed the purpose and need for action, and the degree to which the alternatives responded to issues raised during the analysis. I also considered how well the alternatives would meet Revised Forest Plan and Phase I Amendment goals and objectives, management area direction, and standards and guidelines.

I reviewed the Power EA and associated documents to determine whether the Forest Service needs to take management actions in the Power project area to comply with the Revised Forest Plan and Phase I Amendment. I found that the EA clearly indicates that action is needed in the project area.

Comments during the scoping period and the two 30-day comment periods were fairly polarized and reflected disagreement with management direction in the Revised Forest Plan and Phase I Amendment. Some people expressed concern that little or no commercial harvest should take place in the Black Hills generally and the Power project area specifically. Their primary concerns focused on late-successional and old-growth habitat and their desire to see dense forests maintained.

I considered these comments and found that they are addressed by the No Action alternative. No dense forests would be thinned or otherwise treated under No Action. The No Action alternative would not directly impact any wildlife species, but would forego opportunities to use vegetation management to meet Revised Forest Plan and Phase I Amendment direction.

Some comments suggested an alternative that included some activities associated with the project, but without selling any timber. In effect, a no commercial timber harvest project would be the No Action alternative. Without the sale of timber and the cost efficiency of the entire project, vegetation management projects such as thinning and prescribed burning would likely not occur and few roads would be closed.

The timber harvest and vegetation management actions identified in the Proposed Action Alternative are consistent with the Revised Forest Plan and Phase I Amendment management area direction. The No Action alternative would not have met direction for vegetation management, timber production, fuel loading, or travel management. Timber harvest is appropriate in management areas 4.1 and 5.1 and is the most economical tool for implementing the Revised Forest Plan. No new information was identified to indicate why the proposed vegetation management actions should not take place in the project area.

Other comments expressed a desire to see more acreage treated than proposed. They indicated more vegetation management is needed to reduce susceptibility to mountain pine beetle and disagreed with the amount of dense forest retained following treatments under the project. They also expressed strong disagreement with the proposed road closures, primarily because they felt the current access was necessary for multiple use and fire protection.

Alternative A was developed to respond to these comments by not closing system roads and increasing the acreage treated. Both the Proposed Action and Alternative A are constrained by the Revised Forest Plan and Phase I Amendment objectives, standards and guidelines. They treat as many acres as possible. Some stands with silvicultural needs are deferred from treatment to meet current management direction.

The EA discloses that Alternative A would not fully meet deer and elk habitat effectiveness ratings mainly because it does not close enough roads. The addition of patch cuts may lead to some habitat improvements but would not outweigh the high road densities. System road closures are also desirable to meet management direction for the Eagle Cliff Cross-Country Ski Area. Roads analysis did not identify any multiple use access needs affected by the closures. Adequate access for fire protection will be maintained.

Prescribed burning is another point of contention in the public comments. Some people expressed concern about the cost of the burning. A neighbor to the project expressed concern about the risk of a prescribed burn escaping control. The Proposed Action addresses these issues through mitigation such as whole tree yarding and careful burn planning, as described in Chapter Two and the Fuels Report. Areas would not be burned if fuels are at an acceptable level following silvicultural treatment.

Considering the public comments and the information in the EA, I find that the Proposed Action best addresses the purpose and need statement, significant issues, and Revised Forest Plan and Phase I Amendment direction.

CONSISTENCY WITH THE LAND AND RESOURCE MANAGEMENT PLAN

Regulations at 36 CFR 219.10(e) require me to ensure that permits, contracts, cooperative agreements, and other activities carried out on the Black Hills National Forest are consistent with the Revised Forest Plan and Phase I Amendment. My decision is consistent with this direction in that:

- Planned activities will contribute to Revised Forest Plan and Phase I Amendment goals and objectives. They will not detract from or jeopardize any goal or objective.

- Planned activities are consistent with management area emphasis.
- Planned activities are consistent with Revised Forest Plan and Phase I Amendment standards. Although standard 2301 relating to snags is probably not currently met, planned activities would move the project area towards compliance by retaining all trees 20 inches or greater.
- Planned activities are consistent with Revised Forest Plan and Phase I Amendment guidelines.
- Planned activities meet resource protection and other requirements of regulations at 36 CFR 219.16 and 219.27, as discussed below:
 - o Stands planned for regeneration harvest meet the “culmination of mean annual increment” requirements of Federal regulations at 36 CFR 219.16 (silviculture analysis, project file).
 - o No harvest will occur for timber production purposes on lands classified as unsuitable for timber harvest. Some harvest on unsuitable land is planned to meet wildlife habitat and fuel loading objectives. These objectives are consistent with the Forest Plan and do not violate the regulation at 36 CFR 219.27(c.1).
 - o A certified silviculturist determined that areas identified for regeneration harvest (for timber production purposes) are capable of being regenerated within five years of final harvest.
 - o The selected alternative would not create any openings greater than 40 acres.

CONSISTENCY WITH THE NATIONAL FOREST MANAGEMENT ACT

The National Forest Management Act, at 16 U.S.C. 1604(m)(2), allows exceptions to the general prohibition on harvesting trees prior to the culmination of mean annual increment for a given timber stand. This decision will create exceptions consistent with the law at part (m)(2) with the following treatments: precommercial thinning, commercial thinning, hardwood restoration, and meadow restoration. These treatments are more fully described in Chapter Two of the environmental assessment. The public was advised of these exceptions to the law in the EA.

FINDINGS REQUIRED BY LAWS AND REGULATIONS

Executive Orders 11988 and 11990

No harvest activities will occur in riparian areas and no adverse effects to wetlands or to the integrity of floodplains due to project activities are anticipated (EA Section 3.4).

Endangered Species Act

No effects are predicted on any threatened or endangered species.

National Historic Preservation Act

Heritage resource inventories have been conducted in the project area, and potential effects on heritage resources have been considered. Sites determined to be eligible to the National Register of Historic Places will be protected through avoidance. No adverse effects are anticipated. The South Dakota State Historic Preservation Officer has concurred in the determination of no effect (January 29, 2003). The Section 106 compliance process is complete.

FINDING OF NO SIGNIFICANT IMPACT

Based on my review of the Power EA, I have determined that the Proposed Action is not a major federal action that would significantly affect the quality of the human environment. None of the environmental effects of my decision meet the definitions of significance in context or intensity (40 CFR 1508.27); therefore, an environmental impact statement will not be prepared. I base this conclusion on the following:

Context: The significance of effects of my decision has been analyzed in several contexts. Except as noted, my decision is consistent with the requirements of the Revised Forest Plan and Phase I Amendment and contributes to meeting the goals of the Plan. None of the effects disclosed in the Power EA is different from those anticipated in the FEIS for the Revised Forest Plan or the EA for the Phase I Amendment. Cumulative effects have been considered and analyzed for the project area and watersheds. Finally, site-specific effects within the project area have been estimated and disclosed in the environmental assessment.

Intensity: Both beneficial and adverse effects have been considered and disclosed in the Power EA.

Public health and safety will be minimally affected by the action. Prescribed burning is the only activity that could have more than a minimal effect on public health and safety (if a burn went out of prescription and became a wildfire). Mitigation measures included in the EA and requirements for prescribed burns reduce this risk to an acceptable level.

There are no known unique characteristics or critical ecological areas that would be adversely affected by the project. There are no prime farmlands, wild or scenic rivers, or ecologically critical areas in the Power project area. No adverse effects to wetlands or cultural resources are expected. The wildlife habitat analysis did not identify any unique ecological characteristics within the area. No trend toward Federal listing is expected for any sensitive species as a result of the proposed activities.

The effects of the project on the quality of the human environment are not highly controversial, the effects are known, the effects are not unique, and the action does not establish a precedent. The environmental effects section of the environmental assessment documents the effects of the project. None of the effects identified is unique or unknown. The project is similar to other actions conducted in the past, and the effects analysis is based upon the experiences of those actions. There is little controversy about the kinds of effects that will occur. (Disagreement over the decision itself does not constitute controversy for the purpose of determining significance under 40 CFR 1508.27.) The project area has been treated with similar activities in the past. This action does not set a precedent for future actions or decisions.

The cumulative effects associated with the proposed action are not significant in context or intensity. Chapter Three of the EA documents the anticipated cumulative effects. The cumulative effects of achieving Revised Forest Plan and Phase I Amendment direction are described in the FEIS for the Revised Forest Plan and the Phase I EA.

No adverse effects on heritage resources are expected. The State Historic Preservation Officer has concurred with the determination of no effect.

No effects on threatened or endangered species are expected, as none are known to occur within the project area with the exception of occasional winter use by bald eagles.

All state water quality requirements will be met as well as other Federal, State, and local requirements imposed for the protection of the environment. The action does not threaten violation of any Federal, State, or local law or requirement imposed for the protection of the environment. Mitigation measures are used to protect water quality and to meet standards imposed by the Revised Forest Plan and the State. Best Management Practices (BMPs) are applied consistent with requirements of the Clean Water Act. Changes in air quality are expected to be negligible during harvest of sawtimber. Prescribed burning will comply with air quality standards, as addressed in more detail in the individual burn plans that will be developed for each burn. No violations of environmental laws and requirements were identified through the environmental effects analysis.

ADMINISTRATIVE REVIEW

This decision is subject to administrative review pursuant to Federal regulations at 36 CFR 215. A written appeal must be submitted within 45 days of the day after notice of this decision is published in the Rapid City Journal, Rapid City, South Dakota, to:

USDA, Forest Service, Region 2
Attn: Appeal Deciding Officer
PO BOX 25127
Lakewood, CO 80225-25127

Appeals must meet the following requirements:

1. State that the document is an appeal filed pursuant to 36 CFR 215;
2. List the name and address of the appellant, and, if possible, a telephone number;
3. Identify the decision document by title and date, subject of the decision, and name and title of the Responsible Official;
4. Identify the specific change(s) in the decision that the appellant seeks, or portion of the decision to which the appellant objects;
5. State how the Responsible Official's decision fails to consider comments previously provided, either before or during the comment period specified in Section 215.6 and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

Pursuant to 36 CFR 215.10(a), if no appeal is filed, implementation of this decision may occur on, but not before, five days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of the appeal disposition (36 CFR 215.10(b)).

Contact Person

For additional information on this decision or the project area, contact Dave Atkins, Northern Hills Ranger District, 2014 North Main Street, Spearfish, SD 57783, phone: (605) 642-4622, email: daatkins@fs.fed.us.

/s/ Brad Exton for

July 25, 2003

JOHN C. TWISS
Forest Supervisor
Black Hills National Forest

Date